

AMENDMENTS TO THE DRAWINGS

Please amend the figures as shown in the enclosed replacement sheets. The attached sheet of drawings includes changes to Figure 1. Specifically, Figure 1 has been amended to include the legend "Prior Art," as suggested by the Examiner. No new subject matter is added by way of this amendment.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10 are currently pending in this application. Claims 6-10 have been canceled by this reply, without prejudice or disclaimer. Claims 11-15 have been newly added by this reply. Claims 1 and 11 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 11.

Drawings

The Examiner objects to Figure 1 for lacking the designation "Prior Art." Figure 1 has been amended to include the legend "Prior Art" per the Examiner's suggestion. Accordingly, withdrawal of this objection and acceptance of the drawings is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 6-10 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 6-10 have been canceled by this reply, thus this rejection is now moot.

Rejections under 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6-10 have been canceled by this reply, thus this rejection is now moot with respect to claims 6-10. Claims 1-5 have been amended to clarify the language. Specifically, claims 1-5 have been

amended to change instances of “integrated software” to “first integrated software.” Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-7, 9, and 10 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,675,201 (“Parkkinen”). Claims 6, 7, 9, and 10 have been canceled by this reply; thus, this rejection is now moot with respect to claims 6, 7, 9, and 10. With respect to claims 1, 2, 4, and 5, this rejection is respectfully traversed.

The claimed invention recites a two-way authentication method for authentication both a first integrated software that is stored on a terminal and a second downloaded software that is downloaded into loadable memory. First, the downloaded software is authenticated using the first integrated software, where the authentication method is a certificate authentication using a first certificate. Next, the first integrated software itself is authenticated using the downloaded software and via a certificate authentication that uses a second certificate. Thus, *two distinct pieces of software* are authenticated in the claimed invention, where the first piece of software (i.e., the downloaded software) is authenticate using a second piece of software (i.e., the first integrated software), and the second piece of software is authenticated using a *module associated with the first piece of software*.

Turning to the rejection of the claims, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not

directly taught must be inherently present. The Applicant respectfully asserts that Parkkinen fails to disclose at least a *two-way authentication* as recited in the amended independent claims.

Specifically, Parkkinen is directed toward a method for downloading software from a source computer to a server, and then from the server to a terminal (*see* Parkkinen, Abstract). The downloaded software is authenticated by attaching a certificate with a first electronic signature to the software and then comparing a second electronic signature generated after the software is downloaded to the terminal to the original first electronic signature (*see* Parkkinen, Abstract and Figure 3). Said another way, Parkkinen discloses that two electronic signature values are compared to authenticate *one piece of software*.

In order to support the rejection, the Examiner asserts that it is inherent in Parkkinen's method for authenticating one piece of downloaded software to perform a second authentication of the integrated software using a *module associated with the downloaded software* (*see* Office Action dated February 8, 2007, page 4). However, "to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is **necessarily present** in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, **may not** be established by **probabilities or possibilities**. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added).

The mere fact that Parkkinen authenticates only one piece of software (*i.e.*, the downloaded software) is enough to establish that the method disclosed in Parkkinen does not inherently include an authentication of a second piece of software (*i.e.*, the first integrated software of the claimed

invention) which already resides on the terminal to which the downloaded software is downloaded. Simply put, a single comparison of two values is only enough to authenticate one piece of software, not more than one piece of software.

Furthermore, the method of authenticating the one piece of software disclosed in Parkkinen is completely different than the method recited in the claimed invention. Specifically, the software that is authenticated in Parkkinen (i.e., the downloaded software) is not authenticated using integrated software that *already resides on the terminal*. Rather, Parkkinen discloses authenticating the downloaded software by comparing two signature values, one of which accompanies the downloaded software and the other of which is generated using the downloaded software, after the software is downloaded into the terminal.

In addition, Parkkinen fails to disclose or suggest a separate module associated with the downloaded software that is used to authenticate the integrated software in the terminal, as required by independent claim 1 of the present application. In fact, the only entity associated with the downloaded software that is disclosed in Parkkinen is the first signature value, which is not used to authenticate integrated software, but rather, to *authenticate the downloaded software itself*.

Finally, independent claim 1 clearly recites that the integrated software is authenticated *during execution* of the downloaded software. Parkkinen fails to disclose anything related to this particular limitation of independent claim 1. Rather, Parkkinen only discloses that, after the software is downloaded, the second signature value is generated at the terminal using the downloaded software itself (*see* Parkkinen, Abstract).

In view of the above, it is clear that Parkkinen fails to disclose or suggest each and every limitation recited in independent claim 1. Dependent claims 2, 4, and 5 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkinen. Claim 8 has been canceled by this reply, thus this rejection is now moot with respect to claim 8. Claim 3 is patentable for at least the same reasons stated above with respect to independent claim 1, as claim 3 depends from independent claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

Independent claim 11 recites at least the same subject matter recited in independent claim 1 that is discussed above. Therefore, claim 11 is patentable over Parkkinen for at least the same reasons as stated above. Dependent claims are patentable for at least the same reasons.

Further, independent claim 11 clearly recites two distinct areas of memory – a first part that is write-protected and a second part that is loadable, where the first integrated software that is used to authenticate the downloaded application software is stored in the write-protected first part of memory. Parkkinen is completely silent with respect to two distinct areas of memory in the terminal to which the downloaded software is downloaded. More specifically, because the first signature value accompanies the downloaded software, which is loaded into the terminal memory, and the second signature value is generated within the same terminal, it is not possible for any of the

three pieces of information disclosed in Parkkinen (*i.e.*, the downloaded software, the first signature, and the second signature) to reside in write-protected memory.

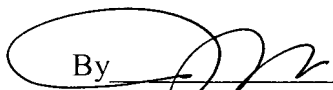
Accordingly, favorable consideration of claims 11-15 is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/119001).

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Respectfully submitted,

By 
Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

Attachments (Amended Figure 1)